

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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VDARE FOUNDATION, INC.

Plaintiff,

- against-

Civ. Action No. 22-cv-1337 (FJS/CFH)

**ORDER TO SHOW CAUSE
FOR A TEMPORARY
RESTRAINING ORDER**

LATICIA JAMES, in her official capacity as
the Attorney General of the State of New York

Defendant.

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Upon reading and filing of an application by Plaintiff VDARE FOUNDATION, INC. to stay Defendant LATICIA James, in her official capacity as the Attorney General of the State of New York, from enforcing the Decision and Order of the Appellate Division, First Department, dated March 9, 2023 and entered March 10, 2023, made by Affirmation of Andrew J. Frisch, attorney for Plaintiff, dated March 20, 2023, and the exhibits thereto, and the accompanying Memorandum of Law, dated March 20, 2023, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the above- named defendant show cause before, the Hon. Frederick J. Scullin, Jr. of the Northern District of New York, at the Courthouse located at 100 South Clinton Street 7th Floor Syracuse, NY 13261-7367 on _____, at _____ o'clock in the noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure immediately temporarily restraining and enjoining the defendant during the pendency of this action from enforcing the Decision and Order of the Appellate Division, First Department, dated March 9, 2023 and entered on March 10, 2023; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant is immediately temporarily restrained and enjoined from enforcing the Decision and Order of the Appellate Division, First Department, dated March 9, 2023 and entered on March 10, 2023; and it is further

ORDERED that service of a copy of this Order, and the papers upon which it was granted, upon Plaintiff, by electronic mail to Plaintiff's counsel, AAG Yael Fuchs, Office of the Attorney General, 28 Liberty Street, New York, New York 10005, at the email address Yael.Fuchs@ny.ag.gov and telephone number 212-416-8391 on or before _____ be deemed good and sufficient service; and it is further

ORDERED that opposition papers shall be served on Respondent by electronic mail to Respondent's counsel Andrew J. Frisch at the email address afrisch@andrewfrisch.com by 5:00 p.m. on _____, 2023, ____ business days prior to the date set forth above for the hearing on Plaintiff's motion for a preliminary injunction; and it is

ORDERED that any reply papers shall be served upon Plaintiff by electronic mail to Defendant's counsel, AAG Yael Fuchs, Office of the Attorney General, 28 Liberty Street, New York, New York 10005, at the email address Yael.Fuchs@ny.ag.gov and telephone number 212-416-839, ____ business days prior to the date set forth above for the hearing on Plaintiff's motion for a preliminary injunction.

DATED: New York, New York

ISSUED: _____

United States District Judge

; and it is furthe